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Commissioner for Patents  
 POB 1450, Alexandria, VA 22313-1450  
 Attention: Ex. B. Sisson, Group AU 1634  
 Transmitted to TC 1600 After Final Fax No. 703-872-9307

Re: OSHIDA *et al.*, Serial No. 09/678,652RCE  
 Att'y Docket 500.39147X00/E5532-01EX  
USPTO Confirmation No. 7028

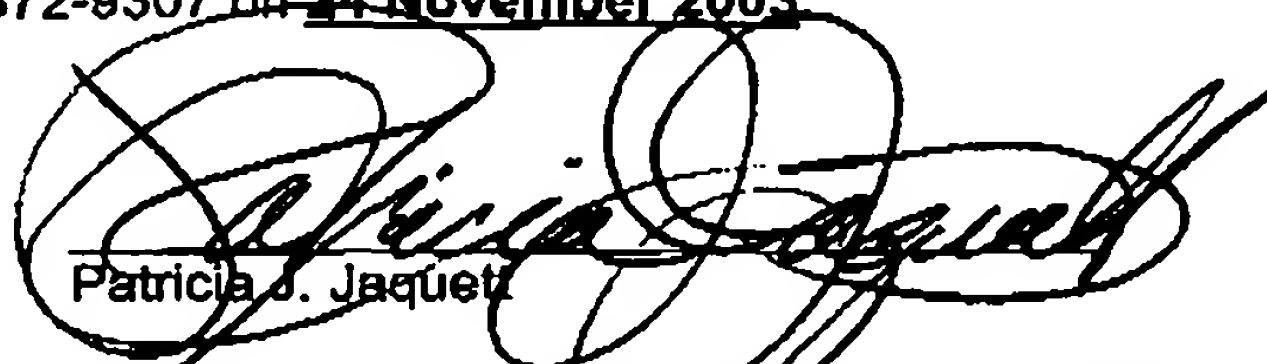
**SUBMISSION OF REQUEST FOR WITHDRAWAL OF FINALITY/RESTART**

Sir:

Applicant hereby transmits the attached "Request for Withdrawal of Finality and Restart of the Period for Response" (3 pages) regarding the above-identified application.

**CERTIFICATE OF TRANSMISSION:**

I hereby certify that the attached "Request for Withdrawal of Finality and Restart of the Period for Response" (3 pages) is being **FORMALLY TRANSMITTED** via TC 1600 After Final Fax No. 703-872-9307 on 24 November 2003

  
 Patricia J. Jaquet

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500.39147X00/E5532-01EX

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Yoshitada OSHIDA *et al.*  
Serial No.: 09/678,652RCE  
Filed: 4 October 2000  
For: METHOD OF INSPECTING A DNA  
CHIP AND AN APPARATUS THEREOF  
Group: 1634  
Examiner: Bradley L. SISSON  
Conf. No.: 7028

**REQUEST FOR WITHDRAWAL OF FINALITY  
AND RESTART OF THE PERIOD FOR RESPONSE****Mail Stop AF**

Commissioner for Patents

POB 1450

Alexandria, Virginia 22313-1450

24 November 2003

Sir:

This paper is responsive to the Office Action having a USPTO mailing date of 5 November 2003.

Applicant respectfully submits that the finality of the 5 November 2003 Office Action is improper, and accordingly, such finality should be withdrawn.

More particularly, MPEP §706.07(b) states (in relevant part) that "...it would not be proper to make final a first Office Action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search."

OSHIDA *et al.*, SN 09/678,652  
Request filed 11/24/2003  
Reply to final OA mailed 11/5/2003

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Applicant submitted an Amendment After Final Rejection on 21 April 2003, and received an Advisory Action having a USPTO mailing date of 15 May 2003 denying entry of such Amendment because "they raise new issues that would require further consideration and/or search." Applicant timely filed the present Request for Continued Examination (RCE) on 21 July 2003 and requested that Applicant's 21 April 2003 Amendment be entered and considered. Subsequent to the filing of the RCE on 21 July 2003, Applicant's undersigned representative conducted numerous Examiner Interviews (both personal and telephonic) with Mr. Bradley Sisson, Primary Examiner, leading up to the submission of Applicant's 21 October 2003 Preliminary Amendment containing substantial additional claim amendments (beyond those of Applicant's 21 April 2003 Amendment After Final Rejection), for the purpose of overcoming the voluminous §112, 2<sup>ND</sup> ¶ concerns raised by the Examiner.

As the Examiner indicated that new issues were raised that required further consideration and/or search, it is respectfully submitted that the Examiner is now barred from making the first Action in the present RCE application final. Accordingly, Applicant respectfully requests withdrawal of the finality of the 5 November Office Action, and respectfully requests restart of the period for response.

In accordance with MPEP §710.06, this Request is being submitted within one (1) month of the mailing date of the defective Action, and is therefore timely, so Applicant respectfully submits that the request for restart of the period for response is appropriate, and that such restart is established as of the mailing date of any corrected, replacement or supplementary Action.

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Request filed 11/24/2003  
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No Petition or fee is required for entry and approval of this Request.

Respectfully submitted,



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